

FILED

In The United States District Court for  
Northern District of Ohio  
Eastern Division

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

Robert Martin, et al.,  
petitioner(s),

Case no. CV 2675

- vs -

Petition under 28 USC

Ohio Adult Parole Board  
et Grafton Correctional Inst-  
itutions amended to REOPEN  
Federal Habeas Corpus Case  
no.'s 90 CV 504, 3:95 CV-  
7101, 2:94 CV 1198, but  
not limited to

2254, Civil Rule 60(d)  
(1) to free the body  
from illegal confine-  
ment and false impris-  
onment that is factually  
innocent, but not limited

MAG. JUDGE LIMBERT

JUDGE PEARSON Jurisdiction

1. 28 USC 2254, Civil Rule 60(d)(1), Venue proper in  
N.D. Ohio for Reopening Habeas Petitions in, S.D. Ohio  
case no. 3:95 CV 7101, 2:94 CV 1198, but not limited to.

2. Counsel appointment to free the body, needed dis-  
covery and habeas hearing, Consolidation Civ.R. 42(e) needed,

II facts

3. December 18, 2017 at Grafton Correctional Institut-

3.1 on a 'separate hearing' was held. The hearing officer speaking for petitioner, who is ADA hearing applicant stated

A. Martin's prior cases, in part, 3:95CV7101, 2:94CV1198, 3:15CV1825 "Notice for Equitable Estoppel... Judicial Admissions, Estoppel, pages 1-8 and Add. #1-#4 and 2:14-CV00235 would not be heard proving Martin's "factual innocence" of any 'technical parole violations', heard 12.5.85 and 3.5.86

B. The hearing officer stated Martin's remedy was in the Courts. However, the Court's refuse to entertain Martin's innocence even lacking a mandatory written statement of reasons and evidence relied on to revoke parole,

C. In 1985 the guideline matrix held a technical parole violation mandated only 5 yrs. Martin has been illegally imprisoned for 23 yrs w/o due process. The APA and federal and state court's refuse to correct factual innocence and lack of a written statement of reasons and evidence relied on,

## Remedy

Due Process Mandate a written statement of reasons and evidence relied on at 12.5.85 and 3.5.86 revocation hearings be presented that must contain signatures for hearing officer, A.P.A. prosecutor, Public Defender. Martin did, in fact sign therefore w/o a copy for him.

It appears a spoliation of evidence, equitable estoppel, judicial estoppel, admissions, false imprisonment, biased factfinder is present warranting granting of writ and \$40,000 per year for false imprisonment plus 10% prejudgment interest, but not limited to.

Under evidence rule 201 see Rhodes v. Wainwright (D.C. 1974), 328 Fed Supp. 329, 330 (no written statement to revoke parole warranted grant of habeas corpus); Lawrence v. Smith (D.C. 4. 1978), 451 F. Supp. 179; Morrissey v. Brewer (1972), 92 S.Ct. 2953, 2602-04 (same); State ex rel. Johnson v. Ohio Parole Board (Ohio 1997), 684 N.E.2d 1227 (defective parole revocation hearings proper in habeas).

See Hunter v. Disability (D.C.M.D., 2001),  
140 F. Supp. 2d 353, 383 (400% beyond  
guideline range grounds to grant writ).

Petitioner's matrix guidelines in 1985-  
1986 had a maximum of 5 yrs for revocation  
for technical / parole violations.

## II. Prejudicial Plain Error

At the 12-18-17 hearing Martin asked over  
H.B. 86 relief. The hearing P.B. stated this was  
not an issue. WRONG!

Kinney v. Mohs (S.D. Ohio 2015), 2015 U.S. Dist.  
LEXIS 32007, 2d. at par. 243 H.B. 86 requires  
the DRC/APA to thoroughly review all parole eligibility  
inmates 65 yrs or older who have had a parole  
hearing. Upon review the Ohio General Assembly  
is to be contacted why 65 yrs and older inmates  
had not been paroled. In Kinney the plg was denied  
parole based on "inaccurate evidence," 2d. at par. 11412.

Martin per H.B. 86 is entitled to release. He is  
75 yrs of age and APA certified.



### Conclusion

A mandatory liberal reading, a neutral and unbiased judge, and mandates to apply the law in an unbiased manner granting the writ freeing Martin from false imprisonment,

Any additional neutrality is prayed for not gainsaid to date

Respectfully,  
Robert Martin #138186  
2500 S. Avon Belden Rd.  
Grafton, Ohio 44044

Mailed 12.18.14 to Clerk of Court R.D. Ohio,

R. Martin #138186